

Message Text

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ACTION OES-07

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TO SECSTATE WASHDC PRIORITY 5312
INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 01 OF 04 GENEVA 01413

CW MESSAGE NO. 16

E.O. 11652: GDS
TAGS: PARM US UR
SUBJECT: US-USSR NEGOTIATIONS ON CHEMICAL WEAPONS,
ROUND SEVEN: TEXTS OF REVISED SOVIET DRAFT ARTICLES
ON VERIFICATION

1. SOVIET DEL PRESENTED REVISED DRAFTS OF SEVEN
ARTICLES AND TWO ANNEXES RELATED TO VERIFICATION DURING
US-USSR NEGOTIATIONS ON JANUARY 17. US DEL TRANSLATION
OF SOVIET DRAFT ARTICLES FOLLOWS:

2. BEGIN TEXT: ARTICLE XI - (1) FOR THE PURPOSE OF
PROVIDING ASSURANCE OF COMPLIANCE BY STATES PARTIES
WITH THE PROVISIONS OF THIS CONVENTION, EACH STATE
PARTY MAY USE NATIONAL TECHNICAL MEANS OF VERIFICATION
AT ITS DISPOSAL IN A MANNER CONSISTENT WITH GENERALLY
RECOGNIZED PRINCIPLES OF INTERNATIONAL LAW.

(2) EACH STATE PARTY UNDERTAKES NOT TO INTERFERE, IN-
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CLUDING THROUGH DELIBERATE CONCEALMENT MEASURES, WITH
THE NATIONAL TECHNICAL MEANS OF VERIFICATION OF THE
OTHER STATES PARTIES OPERATING IN ACCORDANCE WITH
PARAGRAPH 1 OF THIS ARTICLE.

3. BEGIN TEXT: ARTICLE XII - FOR THE PURPOSE OF
SUPERVISING THE FULFILMENT OF THE OBLIGATIONS UNDER THE

CONVENTION, EACH STATE PARTY TO THIS CONVENTION MAY ESTABLISH A COMMITTEE OF NATIONAL CONTROL (NATIONAL CONTROL ORGANIZATION) VESTED WITH ALL NECESSARY LEGAL RIGHTS AND WHOSE COMPOSITION, FUNCTIONS AND METHODS OF OPERATION SHALL BE DETERMINED BY THE STATE PARTY ITSELF IN ACCORDANCE WITH ITS CONSTITUTIONAL RULES. AN ILLUSTRATIVE LIST OF POSSIBLE FUNCTIONS OF THE COMMITTEE OF NATIONAL CONTROL (NATIONAL CONTROL ORGANIZATION) IS SET FORTH IN AN ANNEX TO THIS CONVENTION (ANNEX 1).

4. BEGIN TEXT: ARTICLE XIII - (1) THE STATES PARTIES TO THIS CONVENTION UNDERTAKE TO CONSULT ONE ANOTHER AND TO COOPERATE IN SOLVING ANY ISSUES WHICH MAY ARISE IN RELATION TO THE OBJECTIVE, OR IN THE APPLICATION OF THE PROVISIONS, OF THE CONVENTION. THE STATES PARTIES WILL EXCHANGE, BILATERALLY OR THROUGH THE CONSULTATIVE COMMITTEE REFERRED TO IN ARTICLE XV, INFORMATION WHICH THEY MAY CONSIDER NECESSARY FOR PROVIDING ASSURANCE OF COMPLIANCE WITH THE OBLIGATIONS UNDERTAKEN, AS WELL AS PERIODIC DECLARATIONS AND NOTIFICATIONS REGARDING PROGRESS OF DESTRUCTION OR DIVERSION FOR PEACEFUL PURPOSES OF DECLARED VOLUMES OF ACCUMULATED STOCKS OF MEANS OF CHEMICAL WARFARE, ELIMINATION OR DISMANTLING OF INDUSTRIAL AND OTHER CAPABILITIES SPECIFIED IN ARTICLES V AND VII OF THE CONVENTION, AND COMPLETION OF THOSE PROCESSES.

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(2) CONSULTATION AND COOPERATION PURSUANT TO PARAGRAPH 1 OF THIS ARTICLE MAY ALSO BE UNDERTAKEN THROUGH APPROPRIATE INTERNATIONAL PROCEDURES WITHIN THE FRAMEWORK OF THE UNITED NATIONS AND IN ACCORDANCE WITH ITS CHARTER. THESE INTERNATIONAL PROCEDURES MAY INCLUDE THE SERVICES OF APPROPRIATE INTERNATIONAL ORGANIZATIONS, AS WELL AS OF A CONSULTATIVE COMMITTEE.

5. BEGIN TEXT: ARTICLE XIV - (1) ANY STATE PARTY TO THIS CONVENTION MAY REQUEST APPROPRIATE INFORMATION FROM ANOTHER STATE PARTY WITH RESPECT TO WHICH THERE IS REASON TO BELIEVE THAT IT MAY HAVE ACTED, OR MAY BE ACTING, IN BREACH OF OBLIGATIONS DERIVING FROM THE PROVISIONS OF THE CONVENTION, OR MAY REQUEST PERMISSION FOR AN INVESTIGATION OF THE ACTUAL SITUATION ON SITE. THE STATE PARTY REQUESTING INFORMATION OR PERMISSION SHOULD PROVIDE REASONS IN SUPPORT OF SUCH REQUEST.

(2) A STATE PARTY TO THIS CONVENTION WHOSE COMPLIANCE WITH THE OBLIGATIONS DERIVING FROM THE PROVISIONS OF THE CONVENTION HAS BEEN QUESTIONED, RECOGNIZING THE

IMPORTANCE OF THE ISSUE, MAY TAKE A FAVORABLE POSITION REGARDING THE CONDUCT OF VERIFICATION ON ITS TERRITORY, OR ANYWHERE UNDER ITS JURISDICTION OR CONTROL, IF IT CONSIDERS THE REASONS SUBMITTED TO BE CONVINCING, OR IT MAY DECIDE OTHERWISE. THE PROCEDURE FOR THE CONDUCT OF INVESTIGATION OF THE ACTUAL SITUATION ON SITE SHALL BE ESTABLISHED BY THE INVITING STATE PARTY.

6. BEGIN TEXT: ARTICLE XV: (1) THE STATES PARTIES TO THE CONVENTION SHALL ESTABLISH A CONSULTATIVE COMMITTEE NOT LATER THAN SIX MONTHS AFTER THE ENTRY INTO FORCE OF THE CONVENTION. ANY STATE PARTY MAY APPOINT ITS REPRESENTATIVE TO THE CONSULTATIVE COMMITTEE.

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(2) THE CONSULTATIVE COMMITTEE SHALL BE CONVENED BY THE DEPOSITARY AS NECESSARY, AS WELL AS WITHIN ONE MONTH AFTER RECEIPT OF A SUBSTANTIATED REQUEST BY ANY STATE PARTY FOR CONVENING THE CONSULTATIVE COMMITTEE. THE FUNCTIONS AND RULES OF PROCEDURE OF THE CONSULTATIVE COMMITTEE ARE SET FORTH IN AN ANNEX TO THIS CONVENTION (ANNEX II).

(3) ANY STATE PARTY TO THIS CONVENTION WHICH HAS REASON TO BELIEVE THAT ANY OTHER STATE PARTY MAY HAVE ACTED, OR MAY BE ACTING, IN BREACH OF OBLIGATIONS DERIVING FROM THE PROVISIONS OF THE CONVENTION MAY REQUEST FROM THE CONSULTATIVE COMMITTEE INFORMATION AS

TO THE ACTUAL STATE OF AFFAIRS REGARDING COMPLIANCE
WITH THE OBLIGATIONS UNDER THE CONVENTION, AND PROVIDE
REASONS IN SUPPORT OF SUCH REQUEST.

7. BEGIN TEXT: ARTICLE XVI - (1) ANY STATE PARTY TO
THIS CONVENTION WHICH HAS REASON TO BELIEVE THAT ANY
OTHER STATE PARTY MAY HAVE ACTED, OR MAY BE ACTING, IN
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BREACH OF OBLIGATIONS DERIVING FROM THE PROVISIONS OF
THE CONVENTION MAY LODGE A COMPLAINT WITH THE SECURITY
COUNCIL OF THE UNITED NATIONS. ANY SUCH COMPLAINT
SHOULD INCLUDE ALL RELEVANT INFORMATION, AS WELL AS ALL
POSSIBLE EVIDENCE CONFIRMING ITS VALIDITY.

(2) EACH STATE PARTY TO THIS CONVENTION UNDERTAKES TO
COOPERATE IN CARRYING OUT ANY INVESTIGATION WHICH THE
SECURITY COUNCIL MAY INITIATE, IN ACCORDANCE WITH THE
PROVISIONS OF THE UNITED NATIONS CHARTER, ON THE BASIS
OF ANY COMPLAINT RECEIVED BY THE SECURITY COUNCIL. THE
SECURITY COUNCIL SHALL INFORM THE STATES PARTIES TO THE
CONVENTION OF THE RESULTS OF THE INVESTIGATION.

8. BEGIN TEXT: ARTICLE XVII - EACH STATE PARTY TO THE
CONVENTION UNDERTAKES TO PROVIDE OR SUPPORT ASSISTANCE,
IN ACCORDANCE WITH THE PROVISIONS OF THE UNITED NATIONS
CHARTER, TO ANY STATE PARTY WHICH SO REQUESTS, IF THE
SECURITY COUNCIL DECIDES THAT SUCH PARTY HAS BEEN, OR
MAY HAVE BEEN EXPOSED, TO DANGER AS A RESULT OF VIOLA-
TION BY ANOTHER STATE PARTY OF THE OBLIGATIONS ASSUMED
UNDER THE CONVENTION.

9. BEGIN TEXT: ANNEX 1 - THE COMMITTEE OF NATIONAL
CONTROL IS A PERMANENTLY FUNCTIONING ORGAN WHICH SHALL
BE CONSTITUTED ON THE BASIS OF REPRESENTATION FROM
LEGISLATIVE AND EXECUTIVE BODIES, AS WELL AS FROM
SCIENTIFIC, TECHNICAL AND PUBLIC ORGANIZATIONS OF THE
COUNTRY, TAKING INTO ACCOUNT THE PECULIARITIES AND
SPECIFIC CONDITIONS OF THE COUNTRY.

THE COMMITTEE OF NATIONAL CONTROL:

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A) CARRIES OUT CONTROL OVER COMPLIANCE WITH THE PRO-
VISIONS OF THIS CONVENTION WITHIN THE TERRITORY OF THE

RESPECTIVE STATE PARTY WITH RESPECT TO THE PROHIBITION
OF THE DEVELOPMENT, PRODUCTION AND STOCKPILING OF MEANS
OF CHEMICAL WARFARE;

THE DESTRUCTION OF DECLARED STOCKS OF CHEMICAL WEAPONS;

THE ELIMINATION AND DISMANTLING OF DECLARED INDUSTRIAL
CAPABILITIES;

AS WELL AS COMPLIANCE WITH OTHER PROVISIONS OF THE
CONVENTION;

B) COOPERATES WITH THE COMMITTEES OF NATIONAL CONTROL
OR OTHER NATIONAL CONTROL ORGANIZATIONS OF OTHER STATE
PARTIES TO THE CONVENTION, AS WELL AS WITH THE CONSULTATIVE

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COMMITTEE AND APPROPRIATE INTERNATIONAL ORGANIZATIONS,
ON MATTERS RELATED TO THE IMPLEMENTATION OF THE CON-
VENTION;

C) IN ITS ACTIVITIES, USES ALL POSSIBLE FORMS OF
CONTROL, INCLUDING ON-SITE INSPECTIONS, MEANS AND
METHODS OF LABORATORY, REMOTE, INDIRECT AND CONSERVATIVE
CONTROL.

FOR THE PURPOSE OF CREATING A LEGAL AND MATERIAL BASE
FOR AN EFFECTIVE EXECUTION BY THE COMMITTEE OF NATIONAL
CONTROL OF THE FUNCTIONS VESTED IN IT, A STATE PARTY TO

THE CONVENTION SHALL TAKE SUCH STEPS AS IT MAY DEEM
NECESSARY FOR ENSURING:

A) THE RIGHT OF THE COMMITTEE OF NATIONAL CONTROL TO
OBTAIN FROM APPROPRIATE NATIONAL BODIES AND ENTERPRISES
THE NECESSARY INFORMATION RELATING TO THE ESTABLISHMENT
OF THE ACTUAL STATE OF AFFAIRS CONCERNING IMPLEMENTATION
OF THE PROVISIONS OF THE CONVENTION;

B) THE POSSIBILITY FOR THE COMMITTEE OF NATIONAL
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CONTROL TO STUDY, AS NECESSARY, REPORTS ON SCIENTIFIC
RESEARCH CONDUCTED IN THE VARIOUS SCIENTIFIC RESEARCH
ORGANIZATIONS OF CHEMICAL INDUSTRY AND IN RELATED
FIELDS;

C) FUNDS FOR MEASURES RELATED TO THE EXERCISE BY THE
COMMITTEE OF NATIONAL CONTROL OF ITS FUNCTIONS:

D) THE RIGHT OF THE COMMITTEE OF NATIONAL CONTROL TO
PUBLISH REPORTS ON ITS ACTIVITIES FOR THE PURPOSE OF
INFORMING THE PUBLIC.

10. BEGIN TEXT: ANNEX 2 - (1) THE CONSULTATIVE
COMMITTEE SHALL COLLECT AND ANALYZE NOTIFICATIONS AND
DECLARATIONS MADE BY STATES PARTIES IN ACCORDANCE WITH
THE OBLIGATIONS UNDER ARTICLES OF THE CON-
VENTION, AND ASSIST IN THE EXCHANGE OF INFORMATION,
CONSULTATION AND COOPERATION AMONG STATES PARTIES.

(2) IF REQUESTED BY ONE OR MORE OF ITS MEMBERS, THE
CONSULTATIVE COMMITTEE SHALL EXAMINE NEW ACHIEVEMENTS
IN THE DEVELOPMENT OF SCIENCE AND TECHNOLOGY WHICH
COULD AFFECT THE OPERATION OF THE CONVENTION; SHALL
COLLECT AND SYSTEMATIZE SCIENTIFIC, TECHNICAL OR ANY
OTHER DOCUMENTATION AND INFORMATION MADE AVAILABLE TO
IT BY STATES PARTIES TO THE CONVENTION, AS WELL AS SUCH
MATERIALS OF INTERNATIONAL ORGANIZATIONS AS ARE RELE-
VANT TO THE PURPOSES AND OPERATION OF THIS CONVENTION,
AND SHALL PROVIDE IT TO INTERESTED STATES PARTIES.

(3) AT THE REQUEST OF ANY STATE PARTY, AS WELL AS OF

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THE SECURITY COUNCIL, THE CONSULTATIVE COMMITTEE SHALL UNDERTAKE TO MAKE FINDINGS OF FACT IF THERE IS SUSPICION THAT THE CONVENTION IS NOT COMPLIED WITH BY ANY OTHER STATE PARTY. IN THIS CONNECTION, THE CONSULTATIVE COMMITTEE MAY REQUEST THE STATE PARTY WITH RESPECT TO WHICH SUCH SUSPICION HAS ARISEN TO PROVIDE APPROPRIATE INFORMATION. THE CONSULTATIVE COMMITTEE SHALL PROCESS THE INFORMATION IN ITS POSSESSION AND ANY ADDITIONALLY OBTAINED INFORMATION; ON THAT BASIS, IT SHALL PREPARE A SUMMARY OF ITS FINDINGS OF FACT AND TRANSMIT IT TO THE STATE PARTY HAVING MADE THE REQUEST, AS WELL AS TO THE DEPOSITARY. THE CONSULTATIVE COMMITTEE SHALL MAKE NO CONCLUSIONS.

(4) THE WORK OF THE CONSULTATIVE COMMITTEE SHALL BE ORGANIZED IN SUCH A WAY AS TO PERMIT IT TO PERFORM THE FUNCTIONS SET FORTH IN PARAGRAPHS 1, 2, 3 OF THIS ANNEX. THE COMMITTEE SHALL DECIDE PROCEDURAL QUESTIONS RELATIVE TO THE ORGANIZATION OF ITS WORK, WHERE POSSIBLE BY CONSENSUS, BUT OTHERWISE BY A MAJORITY OF THOSE PRESENT AND VOTING. THERE SHALL BE NO VOTING ON MATTERS OF SUBSTANCE.

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(5) THE DEPOSITARY OR HIS REPRESENTATIVE SHALL SERVE AS THE CHAIRMAN OF THE CONSULTATIVE COMMITTEE.

(6) EACH REPRESENTATIVE OF A STATE PARTY MAY BE ASSISTED AT MEETINGS BY ONE OR MORE ADVISERS.

(7) EACH REPRESENTATIVE SHALL HAVE THE RIGHT, THROUGH THE CHAIRMAN, TO REQUEST FROM STATES, AND FROM INTERNATIONAL ORGANIZATIONS, SUCH INFORMATION AND ASSISTANCE AS THE REPRESENTATIVE CONSIDERS DESIRABLE FOR THE ACCOMPLISHMENT OF THE COMMITTEE'S WORK.

(8) THE ACTIVITIES OF THE CONSULTATIVE COMMITTEE IN THE INTERVALS BETWEEN SESSIONS SHALL BE ENSURED BY A SECRETARIAT VESTED WITH TECHNICAL AUTHORITY. THE DEPOSITARY, WHO EXERCISES GENERAL SUPERVISION OVER THE SECRETARIAT, SHALL INCLUDE IN IT REPRESENTATIVES OF STATES PARTIES IN ACCORDANCE WITH THE PRINCIPLE OF A JUST POLITICAL AND GEOGRAPHICAL REPRESENTATION. THE ACTIVITIES OF THE SECRETARIAT SHALL BE FUNDED IN ACCORDANCE WITH A SCALE AGREED UPON BY THE STATES PARTIES. END TEXT.

11. ANALYSIS OF THESE REVISED DRAFT ARTICLES WILL FOLLOW SEPTTEL. VANDEN HEUVEL

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Message Attributes

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